

# HOUSE BILL No. 1805

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 36-7.

**Synopsis:** Historic preservation commissions. Allows a local historic preservation commission to classify and designate as historic a building, structure, or site that is owned, leased, or operated by a state educational institution. Provides that in addition to any other applicable requirements of the historic preservation laws, a state educational institution that owns, leases, or operates such a building, structure, or site may not demolish or move the building, structure, or site or conspicuously change the exterior appearance of the building, structure, or site unless the state educational institution provides certain notices, holds two public hearings concerning the proposed action, and issues a preliminary determination and a final determination. Provides that at the initial public hearing, the state educational institution must state why it believes the proposed action is necessary and proper and must allow testimony from the public and interested parties concerning the proposed action, including testimony regarding possible alternatives to the proposed action. Prohibits a state educational institution from taking any action on the building, structure, or site classified and designated as historic for 180 days following the initial public hearing. Requires a state educational institution to issue a preliminary determination after the initial public hearing. Requires a state educational institution to hold a final public hearing and issue a final determination before taking action on a building, structure, or site classified and designated as historic. Requires the preliminary determination and the final determination to respond to any possible alternatives suggested at the public hearings.

**Effective:** July 1, 2007.

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**Pierce**

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January 26, 2007, read first time and referred to Committee on Natural Resources.

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Introduced

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

## HOUSE BILL No. 1805

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 36-7-11-10.5 IS ADDED TO THE INDIANA  
2       CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
3       [EFFECTIVE JULY 1, 2007]: **Sec. 10.5. (a) As used in this section,**  
4       **"state educational institution" has the meaning set forth in**  
5       **IC 20-12-0.5-1.**

6       **(b) Notwithstanding any other law, the commission may classify**  
7       **and designate as historic any building, structure, or site that is:**

8               **(1) located within the unit; and**

9               **(2) owned, leased, or operated by a state educational**  
10              **institution.**

11       **(c) A building, structure, or site may be classified and**  
12       **designated as historic under this section if the building, structure,**  
13       **or site meets the requirements of section 6(c) of this chapter.**

14       **(d) In addition to any other applicable requirements of this**  
15       **chapter, a state educational institution that owns, leases, or**  
16       **operates a building, structure, or site classified and designated as**  
17       **historic under this section may not do any of the following unless**



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the state educational institution complies with the requirements of this section:

(1) Demolish or move the building, structure, or site.

(2) Conspicuously change the exterior appearance of the building, structure, or site by additions, reconstruction, alteration, or maintenance, including any exterior color change.

(e) In addition to any other applicable requirements of this chapter, a state educational institution may not take an action under subsection (d) regarding a building, structure, or site unless the state educational institution:

(1) complies with the notice requirements of this section;

(2) holds:

(A) the initial public hearing as provided in subsection (f); and

(B) the final public hearing as provided in subsection (i); and

(3) issues:

(A) the preliminary determination as provided in subsection (h); and

(B) the final determination as provided in subsection (j).

(f) The following apply to the initial public hearing required by subsection (e):

(1) The state educational institution must:

(A) publish notice of the initial public hearing under IC 5-3-1; and

(B) post the notice on the premises of the building, structure or site that is the subject of the initial public hearing;

at least ten (10) days before the first public hearing.

(2) At the initial public hearing, the state educational institution must:

(A) state why it believes the proposed action under subsection (d) is necessary and proper; and

(B) allow testimony from the public and interested parties concerning the proposed action under subsection (d), including testimony concerning possible alternatives to the proposed action under subsection (d).

(g) The state educational institution may not take an action under subsection (d) on a building, structure, or site classified and designated as historic under this section during the one hundred eighty (180) days following the initial public hearing required by

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subsection (e).

(h) At least sixty (60) days but not more than ninety (90) days after the initial public hearing is held under subsection (f), the state educational institution must issue a preliminary determination that:

(1) describes the possible alternatives to the proposed action under subsection (d) that were considered by the state educational institution, including any possible alternatives suggested by the public and interested parties at the initial public hearing held under subsection (f);

(2) specifies the action that the state educational institution intends to take under subsection (d); and

(3) explains why the possible alternatives described in subdivision (1) were not accepted by the state educational institution.

(i) At least thirty (30) days after the preliminary determination is issued under subsection (h), but not more than one hundred thirty-five (135) days after the initial public hearing is held under subsection (f), the state educational institution must hold a final public hearing on the proposed action under subsection (d). The following apply to the final public hearing:

(1) The state educational institution must:

(A) publish notice of the final public hearing under IC 5-3-1; and

(B) post the notice on the premises of the building, structure, or site that is the subject of the final public hearing;

at least ten (10) days before the final public hearing.

(2) At the final public hearing, the state educational institution must allow testimony from the public and interested parties concerning the preliminary report issued by the state educational institution under subsection (h), including testimony concerning the state educational institution's explanation under subsection (h)(3) of why the possible alternatives were not accepted by the state educational institution.

(j) At least thirty (30) days after the final public hearing is held under subsection (i), but not more than one hundred sixty-five (165) days after the initial public hearing is held under subsection (h), the state educational institution must issue a final determination that:

(1) specifies the state educational institution's final decision

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concerning the action that the state educational institution intends to take under subsection (d); and  
 (2) responds to any possible alternatives suggested at the final public hearing.

SECTION 2. IC 36-7-11.1-9.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 9.5. (a) As used in this section, "state educational institution" has the meaning set forth in IC 20-12-0.5-1.

(b) Notwithstanding any other law, the commission may classify and designate as historic any building, structure, or site that is:

- (1) located within the unit; and
- (2) owned, leased, or operated by a state educational institution.

(c) A building, structure, or site may be classified and designated as historic under this section if the building, structure, or site possesses identified historic or architectural merit of a degree warranting preservation.

(d) In addition to any other applicable requirements of this chapter, a state educational institution that owns, leases, or operates a building, structure, or site classified and designated as historic under this section may not do any of the following unless the state educational institution complies with the requirements of this section:

- (1) Demolish or move the building, structure, or site.
- (2) Conspicuously change the exterior appearance of the building, structure, or site by additions, reconstruction, alteration, or maintenance, including any exterior color change.

(e) In addition to any other applicable requirements of this chapter, a state educational institution may not take an action under subsection (d) regarding a building, structure, or site unless the state educational institution:

- (1) complies with the notice requirements of this section;
- (2) holds:
  - (A) the initial public hearing as provided in subsection (f); and
  - (B) the final public hearing as provided in subsection (i); and
- (3) issues:
  - (A) the preliminary determination as provided in subsection (h); and

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1 (B) the final determination as provided in subsection (j).  
 2 (f) The following apply to the initial public hearing required by  
 3 subsection (e):  
 4 (1) The state educational institution must:  
 5 (A) publish notice of the initial public hearing under  
 6 IC 5-3-1; and  
 7 (B) post the notice on the premises of the building,  
 8 structure, or site that is the subject of the initial public  
 9 hearing;  
 10 at least ten (10) days before the first public hearing.  
 11 (2) At the initial public hearing, the state educational  
 12 institution must:  
 13 (A) state why it believes the proposed action under  
 14 subsection (d) is necessary and proper; and  
 15 (B) allow testimony from the public and interested parties  
 16 concerning the proposed action under subsection (d),  
 17 including testimony concerning possible alternatives to the  
 18 proposed action under subsection (d).  
 19 (g) The state educational institution may not take an action  
 20 under subsection (d) on a building, structure, or site classified and  
 21 designated as historic under this section during the one hundred  
 22 eighty (180) days following the initial public hearing required by  
 23 subsection (e).  
 24 (h) At least sixty (60) days but not more than ninety (90) days  
 25 after the initial public hearing is held under subsection (f), the state  
 26 educational institution must issue a preliminary determination  
 27 that:  
 28 (1) describes the possible alternatives to the proposed action  
 29 under subsection (d) that were considered by the state  
 30 educational institution, including any possible alternatives  
 31 suggested by the public and interested parties at the initial  
 32 public hearing held under subsection (f);  
 33 (2) specifies the action that the state educational institution  
 34 intends to take under subsection (d); and  
 35 (3) explains why the possible alternatives described in  
 36 subdivision (1) were not accepted by the state educational  
 37 institution.  
 38 (i) At least thirty (30) days after the preliminary determination  
 39 is issued under subsection (h), but not more than one hundred  
 40 thirty-five (135) days after the initial public hearing is held under  
 41 subsection (f), the state educational institution must hold a final  
 42 public hearing on the proposed action under subsection (d). The

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1 following apply to the final public hearing:

2 (1) The state educational institution must:

3 (A) publish notice of the final public hearing under  
4 IC 5-3-1; and

5 (B) post the notice on the premises of the building,  
6 structure, or site that is the subject of the final public  
7 hearing;

8 at least ten (10) days before the final public hearing.

9 (2) At the final public hearing, the state educational institution  
10 must allow testimony from the public and interested parties  
11 concerning the preliminary report issued by the state  
12 educational institution under subsection (h), including  
13 testimony concerning the state educational institution's  
14 explanation under subsection (h)(3) of why the possible  
15 alternatives were not accepted by the state educational  
16 institution.

17 (j) At least thirty (30) days after the final public hearing is held  
18 under subsection (i), but not more than one hundred sixty-five  
19 (165) days after the initial public hearing is held under subsection  
20 (f), the state educational institution must issue a final  
21 determination that:

22 (1) specifies the state educational institution's final decision  
23 concerning the action that the state educational institution  
24 intends to take under subsection (d); and

25 (2) responds to any possible alternatives suggested at the final  
26 public hearing.

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